

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INNOVATIVE SOLUTIONS
INTERNATIONAL INC.,

Plaintiff,

v.

HOULIHAN TRADING CO, INC., *et al.*,

Defendants.

CASE NO. C22-0296-JCC

ORDER

This matter comes before the Court on Defendant Cook International Trade & Brokerage, Inc.’s (“Cook”) motion to dismiss (Dkt. No. 131). Having thoroughly considered the parties’ briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

This is a product liability action brought by Plaintiff Innovative Solutions International (“Innovative”). (Dkt. No. 83.) According to the Third Amended Complaint, Innovative had a contract with Trader Joe’s to sell chicken burgers, but Trader Joe’s terminated the relationship after customers reported bones and bone fragment in the burgers. (*Id.* at 2–3.) Plaintiff brought suit against each of the companies in the supply chain, including Cook, for breach of express warranty, breach of implied warranty, negligent misrepresentation, negligence, and violation of Washington’s Consumer Protection Act (“CPA”). (*Id.* at 12–15.) Cook moves to dismiss the

1 complaint for lack of personal jurisdiction. (Dkt. No. 131.)

2 If a defendant moves to dismiss pursuant to Rule 12(b)(2) for lack of personal
3 jurisdiction, the plaintiff bears the burden of demonstrating the exercise of jurisdiction is
4 appropriate. *Picot v. Weston*, 780 F.3d 1206, 1211 (9th Cir. 2015). Here, none of the remaining
5 parties opposes Cook's motion to dismiss. (Dkt. Nos. 134, 135, 136.)

6 Moreover, Cook is a Florida based corporation and does not conduct any business in the
7 state of Washington. (Dkt. No. 131 at 3.) Thus, Cook does not have sufficient contacts with the
8 state to establish specific or general jurisdiction and this Court does not have personal
9 jurisdiction over it.

10 For the foregoing reasons, Defendant Cook's motion to dismiss (Dkt. No. 131) is
11 GRANTED. Plaintiff's claims against Cook are DISMISSED without prejudice.

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13 DATED this 16th day of February 2023.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE